

## **IC 8-9-12**

### **Chapter 12. Railroad Employee Counseling and Assistance**

## **IC 8-9-12-1**

### **Applicability of chapter**

Sec. 1. This chapter does not apply to a Class II or Class III railroad as established by the Interstate Commerce Commission.

*As added by P.L.21-2001, SEC.1.*

## **IC 8-9-12-2**

### **"Operating crew member" defined**

Sec. 2. As used in this chapter, "operating crew member" means a railroad employee described in IC 8-9-2-1(n).

*As added by P.L.21-2001, SEC.1.*

## **IC 8-9-12-3**

### **"Railroad" defined**

Sec. 3. As used in this chapter, "railroad" has the meaning set forth in IC 8-3-1-2. However, the term does not include a Class II or Class III railroad as established by the Interstate Commerce Commission.

*As added by P.L.21-2001, SEC.1.*

## **IC 8-9-12-4**

### **Counseling or trauma program**

Sec. 4. (a) A railroad company operating in Indiana shall establish a counseling or trauma program and provide or make available counseling or critical incident stress debriefing services to each operating crew member of a train that is:

- (1) operated by the railroad company in passenger, freight, or yard service; and
- (2) involved in an accident that results in death or serious bodily injury.

(b) A railroad company operating in Indiana shall file a description of the railroad company's counseling or trauma program required under subsection (a) with the Indiana department of transportation, whose sole responsibility under this section is to receive the descriptions and make the descriptions available to the public in accordance with IC 5-14-3.

(c) Before a railroad company implements one (1) or more changes to the railroad company's counseling or trauma program required under subsection (a), the railroad company must file with the Indiana department of transportation a revised description of the program that includes the changes.

*As added by P.L.21-2001, SEC.1.*

## **IC 8-9-12-5**

### **Civil penalties**

Sec. 5. (a) A railroad that violates this chapter is liable to the state for a penalty of not:

(1) less than one hundred dollars (\$100); or  
(2) more than five hundred dollars (\$500);  
for each violation.

(b) A suit to recover the penalty set forth in subsection (a) may be brought by the attorney general in the name of the state on relation of the Indiana department of transportation in the circuit or superior court of a county through which the railroad runs or is operated.

*As added by P.L.128-2003, SEC.3.*